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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 10 2013
at 2 o'clock and 20 min. P.M. ✓
SUE BEITIA, CLERK

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 22 2013
at 2 o'clock and 4 min. P.M. ✓
SUE BEITIA, CLERK

Attorneys for Plaintiff
RICARDO SHIELDS, as Next Friend for
C [REDACTED] S [REDACTED], minor

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RICARDO SHIELDS, as Next Friend
for C [REDACTED] S [REDACTED], minor,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CIVIL NO. **CV13 00012 SOM BMK**

COMPLAINT

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Plaintiff RICARDO SHIELDS, as Next Friend for C [REDACTED]

S [REDACTED], minor, through his attorneys, JUDITH ANN PAVEY and

JAMES S. BOSTWICK, hereby complains against Defendant as follows:

1. At all times relevant herein, Plaintiff RICARDO SHIELDS is a resident of Fairfax County, State of Virginia, and was appointed Next Friend for his daughter, C[REDACTED] S[REDACTED], minor on November 30, 2012 with the First Circuit Court, State of Hawaii.

2. At all times relevant herein, C[REDACTED] S[REDACTED], a minor, is a resident of Fairfax County, State of Virginia.

3. Defendant UNITED STATES OF AMERICA ("Defendant") is responsible for the negligence alleged herein of its agent Tripler Army Medical Center, which is located in the City and County of Honolulu, State of Hawaii.

4. This Court has jurisdiction over the parties pursuant to 28 U.S.C. §1346(b).

5. Plaintiff has exhausted all of his administrative remedies and have satisfied the claim and notice requirements of the Federal Tort Claims Act.

6. Venue is proper in the Federal District of Hawaii since the events giving rise to this lawsuit took place in the City and County of Honolulu, State of Hawaii.

7. On or about March 17, 2009, C[REDACTED] S[REDACTED] was admitted to the Tripler Army Medical Center for treatment of her known condition of hydrocephalus which had become obstructed.

8. On or after that date, the Tripler Army Medical Center emergency, nursing, pediatric, neurologic, neurosurgical and radiologic personnel negligently failed to timely and properly diagnose and treat C[REDACTED] S[REDACTED]' condition, in violation of the standards of care for such personnel.

9. As a consequence, C[REDACTED] S[REDACTED] suffered a severe and permanent brain injury.

10. Prior to the March 17, 2009 incident, Defendant had promised/agreed/contracted with C[REDACTED] S[REDACTED]' family, including Plaintiff RICARDO SHIELDS for the direct benefit of C[REDACTED] S[REDACTED] to have a pediatric neurosurgeon available for her ongoing care, but at the time of the events material to this case, it did not have a pediatric neurosurgeon to care for her.

11. Defendant knew or should have known that C[REDACTED] S[REDACTED]' health and life would be endangered without immediate access to such a specialist and yet it both failed to ensure such access and failed to inform C[REDACTED] S[REDACTED]' parents, including Plaintiff RICARDO SHIELDS, that Tripler Army Medical Center had no such specialist.

12. As a direct and proximate result of the negligence of Defendant and Tripler Army Medical Center, C[REDACTED] S[REDACTED] suffered and continues to suffer grave physical

and emotional injuries, including but not limited to severe and permanent brain damage.

13. As a direct and proximate result of the negligence of Defendant and Tripler Army Medical Center, Plaintiff incurred and continues to incur expenses for C [REDACTED] S [REDACTED]' medical care, attendant care and will continue to incur those expenses into the future.

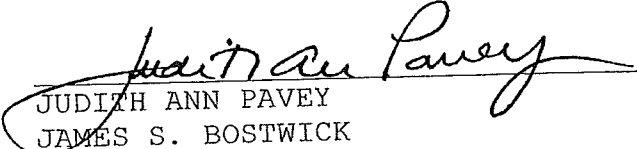
14. As a direct and proximate result of the negligence of Defendant and Tripler Army Medical Center, C [REDACTED] S [REDACTED] lost her earning capacity and seeks the value of future earnings loss and all non-economic damages for pain, suffering, disability, loss of enjoyment of life, depression, anxiety and other elements of recoverable general, non-economic damages.

WHEREFORE, Plaintiff RICARDO SHIELDS, as Next Friend for C [REDACTED] S [REDACTED], minor, demands judgment against Defendant as follows:

1. General damages in an amount to be determined by the jury.
2. Special damages in an amount to be proven at trial.

3. Attorney's fees, costs of suit, prejudgment interest and such other and further relief as the Court deems proper under the circumstances.

DATED: Honolulu, Hawaii, JAN 10 2013.


JUDITH ANN PAVEY
JAMES S. BOSTWICK
Attorneys for Plaintiff
RICARDO SHIELDS, as Next Friend
for ~~RICARDO SHIELDS~~ ~~SHIELDS~~, minor